REMARKS

With entry of the foregoing amendments, claims 1-18 are now pending in the application. The Applicant acknowledges that the Examiner's previous rejection under 35 U.S.C. §102(b) has been withdrawn and replaced with new grounds for rejection under 35 U.S.C. §102(e). Claims 1, 5, 6, 8, 12, 13, 17, 18 have been amended. No new matter is introduced.

Claim Objections

The Examiner objected to claims 17-18 because each claim recites "a corresponding device" and then further recites "the corresponding embedded device." Claims 17 and 18 as now amended recite "a corresponding embedded device" and then further recite "the corresponding embedded device." With entry of the foregoing amendments, the objections to claims 17-18 are now overcome.

Claim Rejections - 35 U.S.C. §112

Claims 5-7 and 12-14 were rejected under 35 U.S.C. §112, second paragraph. In particular, the Examiner states that the term "larger" is a relative term which renders the claims indefinite. Claims 5, 6, 12, and 13 are now amended to replace the term "larger data files" with "bulk data." Support for this amendment may be found in the specification on at least page 12, lines 18-24. With entry of the foregoing amendments, it is believed that the rejection to claims 5-7 and 12-14 under 35 U.S.C. §112, second paragraph is now overcome.

Claim Rejections - 35 U.S.C. §102

The Examiner rejected claims 1-18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,940,074 to Britt et al.

We respectfully submit that there are several important differences between the invention as now claimed and the prior art. The present invention provides guaranteed delivery of messages to embedded devices in a data network. According to one embodiment, a message router transfers messages to the embedded devices. The router waits for acknowledgments of the transferred messages from the embedded devices. If an acknowledgment is not received, such as

when an embedded device is not active, the unacknowledged messages are kept in an associated message store. The messages are kept in the message store until the corresponding embedded devices can accept messages, such as when the embedded devices are again active.

In particular, the present invention involves "pushing" messages out to the embedded devices, such that the router attempts to transfer messages to the embedded devices regardless of whether the embedded devices are active at that particular moment in time. Claims 1 and 8 as now amended recite these features. Support for these claim amendments may be found in Fig. 2C and in the specification on at least page 17, line 3 through page 18, line 11, which describe the process of delivering a message once received by a message router.

In contrast, Britt discloses a system in which the server (i.e., WebTV service) transmits messages to only those clients that are active and connected to the server. For example, Fig. 7 illustrates a routine by which an upgrade of the Web browser is initiated. The first step 701 requires the client to connect to the WebTV service before the server writes the download request to flash as in step 704 or prompts the user to accept or decline the upgrade as in step 706. The WebTV server does not attempt to transfer the upgrade download request or prompt to the client systems regardless of whether the clients are active or not. Furthermore, Britt does not teach or suggest guaranteed delivery of the download request or prompt by waiting for acknowledgments from the client systems and storing unacknowledged messages in a message store.

Similarly, Fig. 8 of Britt illustrates portions of the normal startup routine of a client device for initiating an upgrade. Once the client determines that an upgrade is necessary as in step 801, the client must initiate the communication with the server (See steps 802/809 and 803). The WebTV server does attempt to transfer messages to the client systems in order to initiate the upgrade regardless of whether the client is active or not.

Likewise, Fig. 9 of Britt illustrates a routine by which an error in the client system's programming or data can be automatically corrected. Again, the first step in the process 901 requires the client to connect to the WebTV service to initiate the error download. The WebTV server does attempt to transfer messages to the client systems in order to initiate the error correction process regardless of whether the client is active or not.

Furthermore, in Fig. 15, Britt discloses a technique for recovering from power loss or other communication failure that occurs while a download is taking place. This technique involves the client checking the status of a power flag and initiating a request for the next block of the file to download when the device becomes reactivated (Col. 12, lines 8-32). Thus, at best, Britt discloses a server that transmits messages in response to client requests without regard as to whether the messages are received by the requesting devices.

In contrast, the present invention discloses a router that attempts to transfer messages to the embedded devices on the data network regardless of whether the embedded devices are active on the data network, waits for acknowledgments of the messages from the embedded devices, and stores unacknowledged messages addressed to corresponding embedded devices in a message store until the corresponding embedded devices can accept the unacknowledged messages.

For at least these reasons, the prior art of record does not teach or suggest the present invention as defined in claims 1 and 8 as now amended and thus are patentable.

By virtue of their dependency upon claims 1 and 8, it is believed that claims 2-7 and 9-18 are also patentable.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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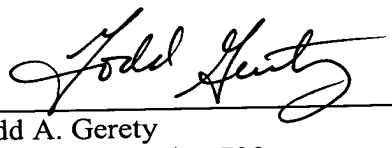
By 

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Dated: 9/30/03